IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12882 of 2004

Between:

M/s. S.S. Organics Limited, rep by its Managing Director,
V.N. Sunanda Reddy, S/o. V. Narasimha Reddy,
aged about 52 years, R/o. A-43, Madhuranagar, Ameerpet, Hyderabad.

..... PETITIONER

AND

1.The Regional Provident Fund Commissioner, Employees

Provident Fund Office, IInd Floor,Bhavishyanidhi Bhavan,

Barkatpura, Hyderabad.
2.The Asst. Provident Fund Commissioner, Employees Provident

Fund Organization,Sub-Accounts Office, 12-1-, Susheeram

Complex, Patancheruvu, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus holding that the action of the 2nd respondent in issuing notice of Demand in AP/32412/SAO/PTC/ ENF (Recy) PDRC.No.131/04/2004/356, dt. 31-5-2004 when the same subject matter pending before the Employees Provident Fund Appellate Tribunal, New Delhi (ATA.518(1)/2003 is illegal, improper and incorrect.

Counsel for the Petitioner: MR.K.MOHAN RAMI REDDY

Counsel for the Respondents: MR.R.N.REDDY

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and also learned counsel for the respondents. Both agreed to dispose of the Writ Petition on merits.

It is not in dispute that the petitioner-establishment was assessed to Employees' Provident Funds and Miscellaneous Provisions Act, 1952. It is also not in dispute that the respondent passed order dated 09-07-03 directing the petitioner to pay a sum of Rs.2,83,421/- as penal interest under Section 7Q and penal damages under Section 14(B) of P.F.Act for the period from 1/98, 5/98 to 9/99. Questioning the same, the petitioner filed W.P.No.12617/03 and this court disposed of the said Writ Petition, directing the petitioner to file an appeal as provided under Section 7-A and to deposit half of the amount determined therein and to file an appeal within the time prescribed by the said Act and on such deposit and filing of appeal, the 2nd respondent is directed to defer the prohibitory orders. In case the appeal is not filed, the prohibitory orders passed by the authority concerned shall operate and continue in operation and the 4th respondent bank has to remit the amount lying to the credit of the petitioner to the extent of half of the amount determined.

Meanwhile, the respondents enforced and withdrawn the amount of Rs.6,22,224/- and thereafter the present impugned order dated 31-05-2004 is passed under Section 14(B) of the Act levying penal damages of Rs.2,83,421/- for delayed payment of the amount. Questioning the order, the petitioner filed an appeal before

the Appellate Tribunal and also filed the present Writ Petition stating that since the Presiding Officer has not been appointed to the said Tribunal, the petitioner could not obtain any orders pending appeal against the impugned order.

Having regard to the facts that the Tribunal is not effectively functioning, enable the petitioner to obtain necessary orders, interest of justice will met, if the petitioner deposits 50% of the amount in pursuance of the impugned orders within one month from today. Further proceedings pursuant to the impugned orders are stayed till the disposal of the appeal by the Tribunal.

The Writ Petition is accordingly disposed of. No costs.

23rd JULY, 2004

BSS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Regional Provident Fund Commissioner, Employees

Provident Fund Office, IInd Floor,Bhavishyanidhi Bhavan,

Barkatpura, Hyderabad.
2.The Asst. Provident Fund Commissioner, Employees Provident

Fund Organization,Sub-Accounts Office, 12-1-, Susheeram

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